

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

(Emergency)
SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 2166

S.P. 832 In Senate, February 1, 1988
Submitted by the Department of Public Safety pursuant to
Joint Rule 24.

Reference to the Committee on Legal Affairs suggested and
ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator GILL of Cumberland.

Cosponsored by Senator BALDACCI of Penobscot,
Representative KIMBALL of Buxton, Representative MANNING of
Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-EIGHT

1 AN ACT to Clarify the Status of Police
2 Officers Assigned to the Bureau of
3 Intergovernmental Drug Enforcement and to Add a
4 District Attorney to the Bureau's Policy
5 Board.
6

7 Emergency preamble. Whereas, Acts of the
8 Legislature do not become effective until 90 days
9 after adjournment unless enacted as emergencies; and

1 Whereas, the creation of the Bureau of
2 Intergovernmental Drug Enforcement within the
3 Department of Public Safety was authorized by the
4 First Regular Session of the 113th Legislature; and

5 Whereas, all efforts are being made to staff the
6 Bureau of Intergovernmental Drug Enforcement so that
7 it may begin operation to provide for effective drug
8 law enforcement throughout the State; and

9 Whereas, the status of the director and assistant
10 director of the bureau needs to be clarified so that
11 they will be considered confidential employees; and

12 Whereas, the status of state police officers who
13 will be assigned to the bureau needs to be clarified
14 so as to protect their seniority and retirement rights
15 and benefits prior to actual assignment; and

16 Whereas, a district attorney should be included as
17 a member of the Intergovernmental Drug Enforcement
18 Policy Board so as to provide for more efficient
19 integration and coordination of investigative and
20 prosecutorial function in the State with respect to
21 drug law enforcement; and

22 Whereas, in the judgment of the Legislature, these
23 facts create an emergency within the meaning of the
24 Constitution of Maine and require the following
25 legislation as immediately necessary for the
26 preservation of the public peace, health and safety;
27 now, therefore,

28 Be it enacted by the People of the State of Maine as
29 follows:

30 Sec. 1. 2 MRSA §6, sub-§5, as amended by PL
31 1987, c. 511, Pt. A, §1, is further amended to read:

32 5. Range 86. The salaries of the following state
33 officials and employees shall be within salary range
34 86:

35 Director of Labor Standards;

1 Deputy Chief of the State Police;
2 Director of State Lotteries;
3 State Archivist;
4 Director of Maine Geological Survey;
5 Executive Director, Maine Land Use Regulation
6 Commission;
7 Director of the Risk Management Division;
8 Chairman, Maine Unemployment Insurance Commission;
9 Director of the Bureau of State Employee Health;
10 and
11 Child Welfare Services Ombudsman; and
12 Director of the Bureau of Intergovernmental Drug
13 Enforcement.

14 Sec. 2. 5 MRSA §948, sub-§1, ¶G, as amended by
15 PL 1987, c. 355, is further amended to read:

16 G. Two Deputy Chiefs, Bureau of State Police;
17 and

18 Sec. 3. 5 MRSA §948, sub-§1, ¶H, as enacted by
19 PL 1987, c. 355, is amended to read:

20 H. Director, Bureau of Safety; i

21 Sec. 4. 5 MRSA §948, sub-1, ¶¶I and J are
22 enacted to read:

23 I. Director, Bureau of Intergovernmental Drug
24 Enforcement; and

25 J. Assistant Director, Bureau of
26 Intergovernmental Drug Enforcement.

27 Sec. 5. 25 MRSA §2902, sub-§6, as enacted by PL
28 1987, c. 411, §4, is amended to read:

1 6. Bureau of Intergovernmental Drug Enforcement.
2 The Bureau of Intergovernmental Drug Enforcement,
3 which shall be under the direction of the Director of
4 the Bureau of Intergovernmental Drug Enforcement.

5 Sec. 6. 25 MRSA §2954, first ¶, as enacted by
6 PL 1987, c. 411, §5, is amended to read:

7 In order to develop, coordinate and carry out a
8 statewide drug enforcement program and strategy, there
9 is established an Intergovernmental Drug Enforcement
10 Policy Board which shall consist of the Attorney
11 General; the Chief of the Maine State Police; the
12 United States Attorney for the District of Maine; 2
13 3 other members appointed by the Governor for a
14 term terms of 2 years, one of whom shall be a
15 representative of municipal law enforcement and,
16 one of whom shall be a representative of the sheriffs
17 of the respective counties and one of whom shall be a
18 representative of the district attorneys of the
19 respective counties; and the commissioner who shall
20 serve ex officio. The board shall provide advice,
21 consultation and direction for the drug law
22 enforcement effort within the State. This effort
23 shall include the integration and coordination of
24 investigative and prosecutorial functions in the State
25 with respect to drug law enforcement. The board shall
26 also make recommendations to the Legislature as it
27 determines to be appropriate for the implementation of
28 an effective drug law enforcement program.

29 Sec. 7. 25 MRSA §2955, 2nd ¶, as enacted by PL
30 1987, c. 411, §5, is amended to read:

31 The investigative component of each task force
32 shall be comprised of law enforcement officers drawn
33 from municipal, county and state law enforcement
34 agencies, who, during the period in which they serve
35 in the task force, shall be placed in a leave of
36 absence status on a temporary assignment by their
37 employing law enforcement agencies and in the
38 nonclassified positions within the bureau as
39 established. All bureau investigative personnel shall
40 not be state employees, as defined in Title 26,

1 section 979-A, subsection 6. All bureau investigative
2 personnel shall act in accordance with such rules as
3 may be promulgated by the commissioner and subject to
4 policies and procedures established by the board. In
5 determining the number, areas of responsibility and
6 investigative complement of these task forces, the
7 commissioner shall take into account geography,
8 population, the need for service and the advice,
9 consultation and direction provided by the board.

10 Sec. 8. 25 MRSA §2955, §§1, 2, 3 and 4, as
11 enacted by PL 1987, c. 411, §5, is amended to read:

12 1. Director. The bureau shall be managed by a
13 director who shall report to the commissioner. The
14 director must be an experienced law enforcement
15 officer. The director shall be appointed by the
16 commissioner from a list of at least 3 persons
17 recommended by the board and shall serve at the
18 pleasure of the commissioner. Eligibility for this
19 appointment shall not be dependent upon the parent law
20 enforcement agency, if any, of the person selected.
21 The director shall be compensated in a manner
22 equivalent to that of other bureau directors within
23 the Department of Public Safety. If the person
24 selected is currently an employee of any state, county
25 or local law enforcement agency, the person shall be
26 placed in a leave of absence status on a temporary
27 assignment by the person's employing agency and.
28 The director shall report directly to the
29 commissioner and outside of, notwithstanding any
30 existing command structure of the person's employing
31 agency. Notwithstanding any other provision of law,
32 the person shall retain and continue to accrue
33 seniority and retirement rights and benefits within
34 the person's employing agency for the time in which
35 the person serves as director.

36 2. Assistant director. The director of the
37 bureau shall be assisted by an assistant director. The
38 assistant director must be an experienced law
39 enforcement officer and may exercise any of the powers
40 of the director as the director may delegate to
41 him. The assistant director shall be appointed by
42 and serve at the pleasure of the commissioner acting

1 upon the recommendation of the board.

2 Eligibility for the selection shall not be dependent
3 upon the parent law enforcement agency, if any, of the
4 person selected. The assistant director shall be
5 compensated in a manner equivalent to that of other
6 assistant bureau directors within the Department of
7 Public Safety. If the person selected is currently an
8 employee of any state, county or local law enforcement
9 agency, the person shall be placed in a leave of
10 absence status on a temporary assignment by the
11 person's employing agency and. The assistant
12 director shall report directly to the director and
13 outside of, notwithstanding any existing command
14 structure of the person's employing agency.
15 Notwithstanding any other provision of law, the person
16 shall retain and continue to accrue seniority and
17 retirement rights and benefits within the person's
18 employing agency for the the time in which the
19 person serves as assistant director.

20 3. Task force investigative supervisors. Each
21 task force shall be supervised by a task force
22 investigative supervisor. Each supervisor must be an
23 experienced law enforcement officer appointed by the
24 director with the concurrence of the commissioner and
25 shall serve at the pleasure of the director. The
26 appointment of supervisors shall not be dependent upon
27 the parent law enforcement agency, if any, of the
28 person selected. Supervisors shall be compensated
29 from the budget of the bureau in a manner equivalent
30 to that of a sergeant assigned to the Drug Enforcement
31 Unit of the Maine State Police, with respect to both
32 regular and overtime compensation. If the person
33 selected is currently an employee of any state, county
34 or local law enforcement agency, the person shall be
35 placed in a leave of absence status on a temporary
36 assignment by the person's employing agency and. A
37 supervisor shall report directly to the director or
38 assistant director and outside of, notwithstanding
39 any existing command structure of the person's
40 employing agency. Notwithstanding any other provision
41 of law, the person shall retain and continue to accrue
42 seniority and retirement rights and benefits within
43 the person's employing agency for the time in which

1 the person serves as supervisor.

2 4. Task force investigative agents. The
3 investigative complement of each task force shall be
4 comprised of task force investigative agents who shall
5 be selected from municipal, county and state law
6 enforcement agencies within the State. Agents shall
7 be selected and appointed at the discretion of the
8 director with the concurrence of the commissioner from
9 among those officers nominated by the chief
10 administrative officer of a prospective agent's
11 employing agency. Agents shall serve at the pleasure
12 of the director. Persons appointed Agents shall
13 receive compensation, paid from the budget of the
14 bureau, equivalent to that of a detective in the Maine
15 State Police assigned to the Drug Enforcement Unit,
16 with respect to both regular and overtime compensation
17 with the additional credit given to seniority based
18 upon law enforcement experience. All personnel
19 selected as agents, whether from a municipal, or
20 county or state law enforcement agency, shall be
21 placed in a leave of absence status on a temporary
22 assignment by the person's employing agency and.
23 An agent shall report directly to their the task
24 force supervisor and outside of, notwithstanding
25 any existing command structure of the person's
26 employing agency. Notwithstanding any other
27 provisions of law, the person shall retain and
28 continue to accrue seniority and retirement rights and
29 benefits within the person's employing agency for the
30 time in which the person serves as an agent.

31 **Emergency clause.** In view of the emergency
32 cited in the preamble, this Act shall take effect when
33 approved.

34 STATEMENT OF FACT

35 The purpose of this bill is twofold. First, the
36 bill provides for the inclusion of a district attorney
37 on the Intergovernmental Drug Enforcement Policy
38 Board. This addition is necessary for the effective
39 coordination of investigative and prosecutorial
40 functions in the State with respect to drug law

1 enforcement.

2 Secondly, the bill clarifies the status of the
3 director and the assistant director as confidential
4 employees. Additionally, the bill clarifies the
5 status of state police officers temporarily assigned
6 to the bureau so that they will retain and continue to
7 accrue seniority and retirement rights and benefits
8 within the State Police.

9

4536121187